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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,435	06/27/2001	Royan Herbert Bartley	ROC920010184US1	2817
46296 7590 09/17/2008 MARTIN & ASSOCIATES, LLC P.O. BOX 548 CARTHAGE, MO 64836-0548				
EXAMINER				
BILGRAMI, ASGHAR H				
ART UNIT		PAPER NUMBER		
2143				
MAIL DATE		DELIVERY MODE		
09/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/892,435

Applicant(s)

BARTLEY ET AL.

Examiner

ASGHAR BILGRAMI

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 21-24, 27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 21-24, 27 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-18, 21-24 & 27, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen et al (U.S. 7,146,336) and Barker (GB 2357679 A).
3. As per claims 1, 6, 11, 12, 13, 14, 17, 18 & 24 Barker disclosed a computer system comprising: at least one processor; a memory coupled to the at least one processor; an execution data collection mechanism residing in the memory and executed by the at least one processor, the execution data collection mechanism collecting execution data for the computer system (page.6, lines 24-25 & page.7, lines 1-24); an execution data transmission mechanism residing in the memory and executed by the at least one processor, the execution data transmission mechanism, when enabled, transmitting at least a portion of the execution data to another computer system coupled to the computer system via a network, an execution data access mechanism residing in the memory (page.12, lines 20-25, page.13, lines 1-4) and executed by the at least one processor (figure 1, page.14, lines 13-19). However Barker did not explicitly disclose the execution data access mechanism allowing access to the

execution data by a user of the computer system only if the execution data transmission mechanism is enabled. In the same field of endeavor Olson disclosed that the execution data access mechanism allowing access to the execution data (col.3, lines 8-20) by a user of the computer system only if the execution data transmission mechanism is enabled (col.11, lines 5-12).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated customer monitoring capability at the customer computer as disclosed by Barker in the method of doing business disclosed by Olson in order to make the business method more versatile resulting in efficient and robust business transactions.

4. As per claim 15 disclosed Olson disclosed a method for doing business (col.1, lines 13-15) comprising the steps of: (A) offering to a customer the ability to access execution data (col.3, lines 8-20) gathered by a customer computer system in exchange for the customer's sharing of the execution data; (B) if the customer does not accept the offer in (A), disabling customer access to the execution data on the customer computer system; (C) if the customer accepts the offer in (A), enabling customer access to the execution data on the customer computer system (col.11, lines 5-12). It is well known in the art that a user will be denied access to information if he/she is not a registered user and does not comply with the registration guidelines. However Olson did not explicitly disclose execution data being gathered by a customer computer. In the same field of

endeavor Barker disclosed java applets resident on the customer computers which are responsible for monitoring and recording all the execution data conducted by the customer (page6, lines 24-25, page.7lines 1-15) and reporting them to the central server (page.4, lines 4-6) or playback to the customer directly (page.3, lines 19-23). It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated customer monitoring capability at the customer computer as disclosed by Barker in the method of doing business disclosed by Olson in order to make the business method more versatile resulting in efficient and robust business transactions.

5. As per claims 2 & 7 Olson-Barker disclosed the computer system of claim 1 wherein the computer system comprises a customer computer system and the another computer system comprises a vendor computer system (Olson, figure.1).

6. As per claims 3, 8, 21 & 27 Olson-Barker disclosed the computer system of claim 1 wherein the execution data comprises data collected by an operating system residing in the memory and executed by the at least one processor (Barker, (page6, lines 24-25, page.7lines 1-15).

7. As per claims 4, 9, 22 & 28 Olson-Barker disclosed the computer system of claim 1 wherein the execution data comprises data collected by a software application

residing in the memory and executed by the at least one processor (Barker, page6, lines 24-25, page.7lines 1-15).

8. As per claims 5, 10, 23 & 29 Olson-Barker disclosed the computer system of claim 1 wherein the execution data comprises data collected by an analysis program residing in the memory and executed by the at least one processor (Barker, page6, lines 24-25, page.7lines 1-15).

9. As per claim 16 Olson-Barker disclosed the method of claim 15 further comprising the step of; (D) the customer computer system sharing the execution data (Barker, (page.4, lines 4-6)

Response to Arguments

10. Applicant's arguments with respect to claim1-18, 21-24 & 27, 29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASGHAR BILGRAMI whose telephone number is (571)272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L.M. Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. B./
Examiner, Art Unit 2143

/Phuoc H Nguyen/

Primary Examiner, Art Unit 2143